



Athersys

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FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
<u>Examiner Betty Forman</u>	<u>Anne Brown, Esq.</u>
COMPANY:	DATE:
<u>U.S. Patent & Trademark Office</u>	<u>June 26, 2001</u>
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
<u>(703) 308-8724</u>	<u>14</u>
PHONE NUMBER:	SENDER'S PHONE NUMBER:
<u>(703) 306-5878</u>	<u>(216) 426-3586</u>
RE:	SENDER'S FAX NUMBER:
<u>0221-0003O(C)</u>	<u>(216) 361-9495</u>

URGENT PLEASE REPLY ORIGINAL TO BE SENT AS CONFIRMATION

MESSAGE:

Re: U.S. Patent Application No. 09/760,897
 Title: **Compositions and Methods for Non-Targeted Activation of Endogenous Genes**
 Attorney Docket No.: 0221-0003O(C)

Attached are the following documents:

- 1 – Certificate of Transmission under 37 C.F.R. 1.8 (1 page)
- 1 – Fee Determination Record Form (1 page)
- 1 – Fee Transmittal Form (1 page)
- 1 – Third Preliminary Amendment (10 pages)

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Approved for use through 10/31/2002. OMB 0651-0031
PTO/SB/97 (08-00)

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office

on June 26, 2001
Date

Sophie Davis
Signature

Sophia L. Davis

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Attached are the following documents:

- 1 - Fee Determination Record Form (1 page)
- 1 - Fee Transmittal Form (1 page)
- 1 - Third Preliminary Amendment (10 pages)

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (11-00)

Approved for use through 10/31/2002, OMB 0851-0032

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 390.00)

Complete if Known

Application Number	09/760,897
Filing Date	January 17, 2001
First Named Inventor	Harrington, John J.
Examiner Name	Forman, B.
Group Art Unit	1655
Attorney Docket No.	0221-0003O(C)

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	50-0622
Deposit Account Name	SHANKS & HERBERT

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:
 Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20	-20** = 0	X 9.00 =	0.00
Independent Claims 13	- 3** = 10	X 39.00 =	390.00
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 390.00)		

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 60	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 800	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
128 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	248 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify)			
SUBTOTAL (3) (\$)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

Complete (if applicable)

SUBMITTED BY	Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
Signature	Anne Brown	36,463	(703) 683-6197

Date June 26, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number
Application No.: 09/760,897
Docket No.: 0221-00030(C)

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(e))		
TOTAL CLAIMS (37 CFR 1.16(e))	1 minus 20 = *	0
INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 minus 3 = *	0
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

SMALL ENTITY OR OTHER THAN
SMALL ENTITY

RATE	FEES	RATE	FEES
	\$ 355.00		\$ _____
x \$ 0.00 =	0.00	x \$ _____ =	_____
x 39.00 =	0.00	x _____ =	_____
+ _____ =		+ _____ =	_____
	TOTAL \$355.00		OR TOTAL

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(e))	* 20	Minus	** 20	= 0
Independent (37 CFR 1.16(b))	* 13	Minus	*** 3	= 10
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

SMALL ENTITY OR OTHER THAN
SMALL ENTITY

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
x \$ 0.00 =	0.00	x \$ _____ =	_____
x 39.00 =	390.00	x _____ =	_____
+ _____ =		+ _____ =	_____
	TOTAL \$390.00		OR TOTAL ADDIT. FEE

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(e))	*	Minus	**	=
Independent (37 CFR 1.16(b))	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
x \$ _____ =		x \$ _____ =	_____
x _____ =		x _____ =	_____
+ _____ =		+ _____ =	_____
	TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(e))	*	Minus	**	=
Independent (37 CFR 1.16(b))	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
x \$ _____ =		x \$ _____ =	_____
x _____ =		x _____ =	_____
+ _____ =		+ _____ =	_____
	TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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